

1           **SECTION 94.** 16.54 (12) (a) of the statutes, as affected by 2007 Wisconsin Act ....  
2 (this act), is amended to read:

3           16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act .... (this act),~~  
4 ~~section 9121 (1m), the~~ The department of health and family services may not expend  
5 or encumber any moneys received under s. 20.435 (8) (mm) unless the department  
6 of health and family services submits a plan for the expenditure of the moneys to the  
7 department of administration and the department of administration approves the  
8 plan.

9           **SECTION 95.** 16.54 (12) (b) of the statutes is amended to read:

10          16.54 (12) (b) ~~The~~ Except as provided under 2007 Wisconsin Act .... (this act),  
11 section 9155 (1m), the department of ~~workforce development~~ children and families  
12 may not expend or encumber any moneys ~~received under s. 20.445~~ credited to the  
13 appropriation account under s. 20.437 (2) (mm) or (3) (mm) unless the department  
14 of ~~workforce development~~ children and families submits a plan for the expenditure  
15 of the moneys to the department of administration and the department of  
16 administration approves the plan.

17          **SECTION 96.** 16.54 (12) (b) of the statutes, as affected by 2007 Wisconsin Act ....  
18 (this act), is amended to read:

19          16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act .... (this act),~~  
20 ~~section 9155 (1m), the~~ The department of children and families may not expend or  
21 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)  
22 or (3) (mm) unless the department of children and families submits a plan for the  
23 expenditure of the moneys to the department of administration and the department  
24 of administration approves the plan.

25          **SECTION 97.** 16.54 (12) (d) of the statutes is amended to read:

1           16.54 (12) (d) At the end of each fiscal year, the department of administration  
2 shall determine the amount of moneys that remain in the appropriation accounts  
3 under ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been encumbered or  
4 expended under 2007 Wisconsin Act .... (this act), section 9121 (1m), or approved for  
5 encumbrance or expenditure by the department pursuant to a plan submitted under  
6 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The  
7 department shall notify the cochairpersons of the joint committee on finance, in  
8 writing, of the department's action under this paragraph.

9           **SECTION 98.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act ....  
10 (this act), section 97, is amended to read:

11           16.54 (12) (d) At the end of each fiscal year, the department of administration  
12 shall determine the amount of moneys that remain in the appropriation accounts  
13 under ss. 20.435 (8) (mm) and ~~20.445~~ 20.437 (2) (mm) and (3) (mm) that have not been  
14 encumbered or expended under 2007 Wisconsin Act .... (this act), section ~~9121~~ 9155  
15 (1m), or approved for encumbrance or expenditure by the department pursuant to  
16 a plan submitted under par. (a) or (b) and shall require that such moneys be lapsed  
17 to the general fund. The department shall notify the cochairpersons of the joint  
18 committee on finance, in writing, of the department's action under this paragraph.

19           **SECTION 99.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act ....  
20 (this act), section 98, is repealed and recreated to read:

21           16.54 (12) (d) At the end of each fiscal year, the department of administration  
22 shall determine the amount of moneys that remain in the appropriation accounts  
23 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been  
24 approved for encumbrance or expenditure by the department pursuant to a plan  
25 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the

1 general fund. The department shall notify the cochairpersons of the joint committee  
2 on finance, in writing, of the department's action under this paragraph.

3 **SECTION 100b.** 16.70 (2) of the statutes is amended to read:

4 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.  
5 III of ch. 149 or under ch. 231, 232, 233, 234, 235, ~~or 237,~~ or 279.

6 **SECTION 101d.** 16.71 (1m) of the statutes is amended to read:

7 16.71 (1m) The department shall not delegate to any executive branch agency,  
8 other than the board of regents of the University of Wisconsin System, the authority  
9 to enter into any contract for materials, supplies, equipment, or contractual services  
10 relating to information technology or telecommunications prior to review and  
11 approval of the contract by the department. No executive branch agency, other than  
12 the board of regents of the University of Wisconsin System, may enter into any such  
13 contract without review and approval of the contract by the department. Any  
14 executive branch agency that enters into a contract relating to information  
15 technology under this section shall comply with the requirements of s. 16.973 (13).  
16 Any delegation to the board of regents of the University of Wisconsin System is  
17 subject to the limitations prescribed in s. 36.11 (49).

18 **SECTION 101k.** 16.72 (2) (e) (intro.) of the statutes is amended to read:

19 16.72 (2) (e) (intro.) In writing the specifications under this subsection, the  
20 department and any other designated purchasing agent under s. 16.71 (1) shall  
21 incorporate requirements for the purchase of products made from recycled materials  
22 and recovered materials if their use is technically and economically feasible. Each  
23 authority other than the University of Wisconsin Hospitals and Clinics Authority,  
24 the Lower Fox River Remediation Authority, and the Health Insurance  
25 Risk-Sharing Plan Authority, in writing specifications for purchasing by the

1 authority, shall incorporate requirements for the purchase of products made from  
2 recycled materials and recovered materials if their use is technically and  
3 economically feasible. The specifications shall include requirements for the  
4 purchase of the following materials:

5 **SECTION 101L.** 16.72 (2) (f) of the statutes is amended to read:

6 16.72 (2) (f) In writing specifications under this subsection, the department,  
7 any other designated purchasing agent under s. 16.71 (1), and each authority other  
8 than the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
9 River Remediation Authority, and the Health Insurance Risk-Sharing Plan  
10 Authority shall incorporate requirements relating to the recyclability and ultimate  
11 disposition of products and, wherever possible, shall write the specifications so as to  
12 minimize the amount of solid waste generated by the state, consistent with the  
13 priorities established under s. 287.05 (12). All specifications under this subsection  
14 shall discourage the purchase of single-use, disposable products and require,  
15 whenever practical, the purchase of multiple-use, durable products.

16 **SECTION 102.** 16.75 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act  
17 141, is amended to read:

18 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
19 materials, supplies, equipment, and contractual services to be provided to any  
20 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
21 (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05  
22 (7) (f), 153.05 (2m) (a), and 287.15 (7), ~~and 301.265~~, shall be awarded to the lowest  
23 responsible bidder, taking into consideration life cycle cost estimates under sub.  
24 (1m), when appropriate, the location of the agency, the quantities of the articles to

1 be supplied, their conformity with the specifications, and the purposes for which they  
2 are required and the date of delivery.

3 **SECTION 102e.** 16.75 (1m) of the statutes is amended to read:

4 16.75 (1m) The department shall award each order or contract for materials,  
5 supplies or equipment on the basis of life cycle cost estimates, whenever such action  
6 is appropriate. Each authority other than the University of Wisconsin Hospitals and  
7 Clinics Authority and, the Lower Fox River Remediation Authority, the Wisconsin  
8 Aerospace Authority, and the Health Insurance Risk-Sharing Plan Authority shall  
9 award each order or contract for materials, supplies or equipment on the basis of life  
10 cycle cost estimates, whenever such action is appropriate. The terms, conditions and  
11 evaluation criteria to be applied shall be incorporated in the solicitation of bids or  
12 proposals. The life cycle cost formula may include, but is not limited to, the  
13 applicable costs of energy efficiency, acquisition and conversion, money,  
14 transportation, warehousing and distribution, training, operation and maintenance  
15 and disposition or resale. The department shall prepare documents containing  
16 technical guidance for the development and use of life cycle cost estimates, and shall  
17 make the documents available to local governmental units.

18 **SECTION 103.** 16.75 (6) (bm) of the statutes is amended to read:

19 16.75 (6) (bm) If the secretary determines that it is in the best interest of this  
20 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.  
21 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by  
22 the department of ~~workforce development~~ children and families under s. 49.143, if  
23 the department of ~~workforce development~~ children and families presents the  
24 secretary with a process for the procurement of contracts under s. 49.143 and the  
25 secretary approves the process.

1           **SECTION 103g.** 16.75 (8) of the statutes is amended to read:

2           16.75 (8) (a) 1. The department, any other designated purchasing agent under  
3           s. 16.71 (1), any agency making purchases under s. 16.74, and each authority other  
4           than the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
5           River Remediation Authority, and the Health Insurance Risk-Sharing Plan  
6           Authority shall, to the extent practicable, make purchasing selections using  
7           specifications developed under s. 16.72 (2) (e) to maximize the purchase of materials  
8           utilizing recycled materials and recovered materials.

9           2. Each agency and authority other than the University of Wisconsin Hospitals  
10          and Clinics Authority, the Lower Fox River Remediation Authority, and the Health  
11          Insurance Risk-Sharing Plan Authority shall ensure that the average recycled or  
12          recovered content of all paper purchased by the agency or authority measured as a  
13          proportion, by weight, of the fiber content of paper products purchased in a fiscal  
14          year, is not less than 40% of all purchased paper.

15          **SECTION 103h.** 16.75 (9) of the statutes is amended to read:

16          16.75 (9) The department, any other designated purchasing agent under s.  
17          16.71 (1), any agency making purchases under s. 16.74, and any authority other than  
18          the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox River  
19          Remediation Authority, and the Health Insurance Risk-Sharing Plan Authority  
20          shall, to the extent practicable, make purchasing selections using specifications  
21          prepared under s. 16.72 (2) (f).

22          **SECTION 104b.** 16.765 (1) of the statutes is amended to read:

23          16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
24          Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
25          Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower

1 Fox River Remediation Authority, and the Bradley Center Sports and  
2 Entertainment Corporation shall include in all contracts executed by them a  
3 provision obligating the contractor not to discriminate against any employee or  
4 applicant for employment because of age, race, religion, color, handicap, sex, physical  
5 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as  
6 defined in s. 111.32 (13m), or national origin and, except with respect to sexual  
7 orientation, obligating the contractor to take affirmative action to ensure equal  
8 employment opportunities.

9 **SECTION 105b.** 16.765 (2) of the statutes is amended to read:

10 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
11 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
12 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
13 Fox River Remediation Authority, and the Bradley Center Sports and  
14 Entertainment Corporation shall include the following provision in every contract  
15 executed by them: "In connection with the performance of work under this contract,  
16 the contractor agrees not to discriminate against any employee or applicant for  
17 employment because of age, race, religion, color, handicap, sex, physical condition,  
18 developmental disability as defined in s. 51.01 (5), sexual orientation or national  
19 origin. This provision shall include, but not be limited to, the following: employment,  
20 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or  
21 termination; rates of pay or other forms of compensation; and selection for training,  
22 including apprenticeship. Except with respect to sexual orientation, the contractor  
23 further agrees to take affirmative action to ensure equal employment opportunities.  
24 The contractor agrees to post in conspicuous places, available for employees and

1 applicants for employment, notices to be provided by the contracting officer setting  
2 forth the provisions of the nondiscrimination clause”.

3 **SECTION 106b.** 16.765 (4) of the statutes is amended to read:

4 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
7 Fox River Remediation Authority, and the Bradley Center Sports and  
8 Entertainment Corporation shall take appropriate action to revise the standard  
9 government contract forms under this section.

10 **SECTION 107b.** 16.765 (5) of the statutes is amended to read:

11 16.765 (5) The head of each contracting agency and the boards of directors of  
12 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
13 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
14 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
15 Authority, and the Bradley Center Sports and Entertainment Corporation shall be  
16 primarily responsible for obtaining compliance by any contractor with the  
17 nondiscrimination and affirmative action provisions prescribed by this section,  
18 according to procedures recommended by the department. The department shall  
19 make recommendations to the contracting agencies and the boards of directors of the  
20 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational  
21 System Authority, the Wisconsin Aerospace Authority, the Health Insurance  
22 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, and the  
23 Bradley Center Sports and Entertainment Corporation for improving and making  
24 more effective the nondiscrimination and affirmative action provisions of contracts.



1 The department shall promulgate such rules as may be necessary for the  
2 performance of its functions under this section.

3 **SECTION 108b.** 16.765 (6) of the statutes is amended to read:

4 16.765 (6) The department may receive complaints of alleged violations of the  
5 nondiscrimination provisions of such contracts. The department shall investigate  
6 and determine whether a violation of this section has occurred. The department may  
7 delegate this authority to the contracting agency, the University of Wisconsin  
8 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
9 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
10 the Lower Fox River Remediation Authority, or the Bradley Center Sports and  
11 Entertainment Corporation for processing in accordance with the department's  
12 procedures.

13 **SECTION 109b.** 16.765 (7) (intro.) of the statutes is amended to read:

14 16.765 (7) (intro.) When a violation of this section has been determined by the  
15 department, the contracting agency, the University of Wisconsin Hospitals and  
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
17 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
18 Fox River Remediation Authority, or the Bradley Center Sports and Entertainment  
19 Corporation, the contracting agency, the University of Wisconsin Hospitals and  
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
21 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
22 Fox River Remediation Authority, or the Bradley Center Sports and Entertainment  
23 Corporation shall:

24 **SECTION 110b.** 16.765 (7) (d) of the statutes is amended to read:

1           16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
2 further violations of this section and to report its corrective action to the contracting  
3 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
4 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
5 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
6 Authority, or the Bradley Center Sports and Entertainment Corporation.

7           **SECTION 111b.** 16.765 (8) of the statutes is amended to read:

8           16.765 (8) If further violations of this section are committed during the term  
9 of the contract, the contracting agency, the Fox River Navigational System Authority,  
10 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
11 Authority, the Lower Fox River Remediation Authority, or the Bradley Center Sports  
12 and Entertainment Corporation may permit the violating party to complete the  
13 contract, after complying with this section, but thereafter the contracting agency, the  
14 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the  
15 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
16 Authority, or the Bradley Center Sports and Entertainment Corporation shall  
17 request the department to place the name of the party on the ineligible list for state  
18 contracts, or the contracting agency, the Fox River Navigational System Authority,  
19 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
20 Authority, the Lower Fox River Remediation Authority, or the Bradley Center Sports  
21 and Entertainment Corporation may terminate the contract without liability for the  
22 uncompleted portion or any materials or services purchased or paid for by the  
23 contracting party for use in completing the contract.

24           **SECTION 112g.** 16.847 (2) of the statutes is created to read:

1           16.847 (2) ENERGY CONSERVATION CONSTRUCTION PROJECTS. The department may  
2           provide funding to agencies, as defined in s. 16.70 (1e), for energy conservation  
3           construction projects at state facilities under the jurisdiction of the agencies to  
4           enhance the energy efficiency of the facilities. The department shall prescribe  
5           standards for evaluation of proposed projects and allocation of available moneys for  
6           those projects under this subsection.

7           **SECTION 112r.** 16.847 (3) of the statutes is created to read:

8           16.847 (3) ASSESSMENTS. The department may annually assess any agency that  
9           receives funding under sub. (2) in an amount determined by the department not  
10          exceeding the agency's proportionate share of debt service costs incurred under s.  
11          20.505 (5) (kd) or the savings in the agency's energy costs generated, whichever is  
12          greater, as a result of an energy conservation construction project that was funded  
13          by the department under sub. (2). The department shall credit all revenues received  
14          under this subsection to the appropriation account under s. 20.505 (5) (kd).

15          **SECTION 113.** 16.848 (2) (gc), (gg), (gn), (gr), (gt) and (gw) of the statutes are  
16          created to read:

17          16.848 (2) (gc) Subsection (1) does not apply to property that is subject to sale  
18          by the department of military affairs under s. 21.19 (3) or 21.42 (3).

19          (gg) Subsection (1) does not apply to property that is conveyed by the  
20          department of corrections under s. 301.25.

21          (gn) Subsection (1) does not apply to property that is subject to sale by the state  
22          under 20.909 (2).

23          (gr) Subsection (1) does not apply to land that is sold or traded by the Kickapoo  
24          reserve management board under s. 41.41 (7).

1 (gt) Subsection (1) does not apply to property that is donated by the department  
2 of transportation under s. 84.09 (5r).

3 (gw) Subsection (1) does not apply to the sale of property by the department of  
4 health and family services under s. 51.06 (6).

5 **SECTION 114.** 16.848 (4) of the statutes is amended to read:

6 16.848 (4) Except as provided in s. 13.48 (14) (e), if there is any outstanding  
7 public debt used to finance the acquisition, construction, or improvement of any  
8 property that is sold under sub. (1), the department shall deposit a sufficient amount  
9 of the net proceeds from the sale of the property in the bond security and redemption  
10 fund under s. 18.09 to repay the principal and pay the interest on the debt, and any  
11 premium due upon refunding any of the debt. If the property was acquired,  
12 constructed, or improved with federal financial assistance, the department shall pay  
13 to the federal government any of the net proceeds required by federal law. If the  
14 property was acquired by gift or grant or acquired with gift or grant funds, the  
15 department shall adhere to any restriction governing use of the proceeds. Except as  
16 required under ~~sub. (5m)~~ and ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6), if there  
17 is no such debt outstanding, there are no moneys payable to the federal government,  
18 and there is no restriction governing use of the proceeds, and if the net proceeds  
19 exceed the amount required to be deposited, paid, or used for another purpose under  
20 this subsection, the department shall deposit the net proceeds or remaining net  
21 proceeds in the general fund.

22 **SECTION 115b.** 16.85 (2) of the statutes is amended to read:

23 16.85 (2) To furnish engineering, architectural, project management, and other  
24 building construction services whenever requisitions therefor are presented to the  
25 department by any agency. The department may deposit moneys received from the

1 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
2 fund as general purpose revenue — earned. In this subsection, “agency” means an  
3 office, department, independent agency, institution of higher education, association,  
4 society, or other body in state government created or authorized to be created by the  
5 constitution or any law, which is entitled to expend moneys appropriated by law,  
6 including the legislature and the courts, but not including an authority created in  
7 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 279.

8 **SECTION 116b.** 16.865 (8) of the statutes is amended to read:

9 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
10 proportionate share of the estimated costs attributable to programs administered by  
11 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
12 may charge premiums to agencies to finance costs under this subsection and pay the  
13 costs from the appropriation on an actual basis. The department shall deposit all  
14 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
15 Costs assessed under this subsection may include judgments, investigative and  
16 adjustment fees, data processing and staff support costs, program administration  
17 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
18 subsection, “agency” means an office, department, independent agency, institution  
19 of higher education, association, society, or other body in state government created  
20 or authorized to be created by the constitution or any law, that is entitled to expend  
21 moneys appropriated by law, including the legislature and the courts, but not  
22 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
23 231, 232, 233, 234, 235, ~~or 237~~, or 279.

24 **SECTION 117m.** 16.956 of the statutes is created to read:

25 **16.956 Office of energy independence.** (1) In this section:

1 (a) "Biodevelopment" means research and development relating to the use of  
2 renewable resources for electricity, energy, and heating and transportation fuels.

3 (b) "Bioindustry" means the manufacture, production, and trade of renewable  
4 resources used for electricity, energy, and heating and transportation fuels.

5 (c) "Office" means the office of energy independence.

6 (2) The office shall work on initiatives that have the following goals:

7 (a) Advancing Wisconsin's vision for energy independence by generating at  
8 least 25 percent of power, and at least 25 percent of transportation fuels, used in this  
9 state from renewable resources by 2025.

10 (b) Capturing in-state at least 10 percent of the national emerging bioindustry  
11 and renewable energy markets by 2030.

12 (c) Ensuring that Wisconsin is a national leader in groundbreaking research  
13 that will make alternative energies more affordable and create well-paying jobs in  
14 this state.

15 (3) The office shall do all of the following:

16 (a) Ensure and facilitate the implementation of the initiatives specified in sub.  
17 (2) and identify barriers to the implementation of such initiatives.

18 (b) Serve as a single point of contact to assist businesses, local units of  
19 government, and nongovernmental organizations that are pursuing  
20 biodevelopment, energy efficiency, and energy independence.

21 (c) Develop energy independence policy options for consideration by the  
22 governor and state agencies.

23 (d) Identify federal funding opportunities and facilitate applications for federal  
24 funding by private, and state and local governmental, entities.

1 (e) Perform duties necessary to maintain federal energy funding and any  
2 designations required for such funding.

3 **SECTION 118.** 16.957 (3) (a) of the statutes is amended to read:

4 16.957 (3) (a) The department shall, on the basis of competitive bids, contract  
5 with community action agencies described in s. 46.30 49.265 (2) (a) 1., nonstock,  
6 nonprofit corporations organized under ch. 181, or local units of government to  
7 provide services under the programs established under sub. (2) (a).

8 **SECTION 119.** 16.964 (1) (f) of the statutes is repealed.

9 **SECTION 120.** 16.964 (3) of the statutes is amended to read:

10 16.964 (3) The governor shall appoint an executive director under s. 15.105 (19)  
11 (a) outside of the classified service.

12 **SECTION 122.** 16.964 (10) of the statutes is repealed.

13 **SECTION 123.** 16.964 (12) (c) 10. of the statutes is amended to read:

14 16.964 (12) (c) 10. The program is developed with input from, and implemented  
15 in collaboration with, one or more circuit court judges, the district attorney, the state  
16 public defender, local law enforcement officials, county agencies responsible for  
17 providing social services, including services relating to alcohol and other drug  
18 addiction, child welfare, mental health, and the Wisconsin Works program, the  
19 departments of corrections, children and families, and health and family services,  
20 private social services agencies, and substance abuse treatment providers.

21 **SECTION 124.** 16.964 (12) (e) 1. of the statutes is amended to read:

22 16.964 (12) (e) 1. A county that receives a grant under this subsection shall  
23 create an oversight committee to advise the county in administering and evaluating  
24 its program. Each committee shall consist of a circuit court judge, the district  
25 attorney or his or her designee, the state public defender or his or her designee, a local

1 law enforcement official, a representative of the county, a representative of each  
2 other county agency responsible for providing social services, including services  
3 relating to child welfare, mental health, and the Wisconsin Works program,  
4 representatives of the departments of corrections, children and families, and health  
5 and family services, a representative from private social services agencies, a  
6 representative of substance abuse treatment providers, and other members to be  
7 determined by the county.

8 **SECTION 125.** 16.964 (13) of the statutes is created to read:

9 16.964 (13) (a) The bureau of criminal justice research shall do all of the  
10 following:

11 1. Serve as a clearinghouse of justice system data and information and conduct  
12 justice system research and data analysis under this section.

13 8. Not later than the first day of the 12th month beginning after the effective  
14 date of this subdivision .... [revisor inserts date], and biennially thereafter, prepare  
15 a report containing statewide statistics on standard sentences for each felony offense  
16 by region and for the state as a whole. The report shall be distributed to the  
17 appropriate standing committees of the legislature in the manner provided under s.  
18 13.172 (3), to the governor, and to the director of state courts.

19 (b) The executive director shall appoint a staff director under s. 15.105 (19) (b)  
20 outside of the classified service.

21 **SECTION 128m.** 16.971 (6) of the statutes is amended to read:

22 16.971 (6) Notwithstanding sub. (2), the ~~revisor of statutes~~ legislative  
23 reference bureau shall approve the specifications for preparation and schedule for  
24 delivery of computer databases containing the Wisconsin statutes.

25 **SECTION 128d.** 16.971 (2) (Lg) of the statutes is created to read:



1           16.971 (2) (Lg) 1. Develop, in consultation with each executive branch agency,  
2           other than the Board of Regents of the University of Wisconsin System, and adopt  
3           the following written policies for information technology development projects  
4           included in the strategic plan required of each executive branch agency under par.  
5           (L) and that either exceed \$1,000,000 or that are vital to the functions of the executive  
6           branch agency:

7           a. A standardized reporting format.

8           b. A requirement that both proposed and ongoing information technology  
9           development projects be included.

10          2. The department shall submit for review by the joint legislative audit  
11          committee and for approval by the joint committee on information policy and  
12          technology any proposed policies required under subd. 1. and any proposed revisions  
13          to the policies.

14          **SECTION 128d.** 16.973 (10) to (14) of the statutes are created to read:

15          16.973 (10) In consultation with the legislative audit bureau and the joint  
16          legislative audit committee, promulgate administrative rules applicable to each  
17          executive branch agency, other than the Board of Regents of the University of  
18          Wisconsin System, pertaining to large, high-risk information technology projects  
19          that shall include:

20               (a) A definition of and methodology for identifying large, high-risk information  
21               technology projects.

22               (b) Standardized, quantifiable project performance measures for evaluating  
23               large, high-risk information technology projects.

24               (c) Policies and procedures for routine monitoring of large, high-risk  
25               information technology projects.

1 (d) A formal process for modifying information technology project specifications  
2 when necessary to address changes in program requirements.

3 (e) Requirements for reporting changes in estimates of cost or completion date  
4 to the department and the joint committee on information policy and technology.

5 (f) Methods for discontinuing projects or modifying projects that are failing to  
6 meet performance measures in such a way to correct the performance problems.

7 (g) Policies and procedures for the use of master leases under s. 16.76 (4) to  
8 finance new large, high-risk information technology system costs and maintain  
9 current large, high-risk information technology systems.

10 (h) A standardized progress point in the execution of large, high-risk  
11 information technology projects at which time the estimated costs and date of  
12 completion of the project is reported to the department and the joint committee on  
13 information policy and technology.

14 (11) Promulgate administrative rules applicable to each executive branch  
15 agency, other than the Board of Regents of the University of Wisconsin System,  
16 pertaining to the use of commercially available information technology products,  
17 which shall include all of the following:

18 (a) A requirement that each executive branch agency review commercially  
19 available information technology products prior to initiating work on a customized  
20 information technology development project to determine whether any commercially  
21 available product could meet the information technology needs of the agency.

22 (b) Procedures and criteria to determine when a commercially available  
23 information technology product must be used and when an executive branch agency  
24 may consider the modification or creation of a customized information technology  
25 product.

1 (c) A requirement that each executive branch agency submit for approval by  
2 the department and prior to initiating work on a customized information technology  
3 product a justification for the modification or creation by the agency of a customized  
4 information technology product.

5 (12) (a) In this subsection, "master lease" has the meaning given under s. 16.76  
6 (4).

7 (b) Annually, no later than October 1, submit to the governor and the members  
8 of the joint committee on information policy and technology a report documenting the  
9 use by each executive branch agency, other than the Board of Regents of the  
10 University of Wisconsin System, of master leases to fund information technology  
11 projects in the previous fiscal year. The report shall contain all of the following  
12 information:

13 1. The total amount paid under master leases towards information technology  
14 projects in the previous fiscal year.

15 2. The master lease payment amounts approved to be applied to information  
16 technology projects in future years.

17 3. The total amount paid by each executive branch agency on each information  
18 technology project for which debt is outstanding, as compared to the total financing  
19 amount originally approved for that information technology project.

20 4. A summary of repayments made towards any master lease in the previous  
21 fiscal year.

22 (13) (a) Except as provided in par. (b), include in each contract with a vendor  
23 of information technology that involves a large, high-risk information technology  
24 project under sub. (10) or that has a projected cost greater than \$1,000,000, and  
25 require each executive branch agency authorized under s. 16.71 (1m) to enter into

1 a contract for materials, supplies, equipment, or contractual services relating to  
2 information technology to include in each contract with a vendor of information  
3 technology that involves a large, high-risk information technology project under  
4 sub. (10) or that has a projected cost greater than \$1,000,000 a stipulation requiring  
5 the vendor to submit to the department for approval any order or amendment that  
6 would change the scope of the contract and have the effect of increasing the contract  
7 price. The stipulation shall authorize the department to review the original contract  
8 and the order or amendment to determine all of the following and, if necessary, to  
9 negotiate with the vendor regarding any change to the original contract price:

10 1. Whether the work proposed in the order or amendment is within the scope  
11 of the original contract.

12 2. Whether the work proposed in the order or amendment is necessary.

13 (b) The department or an executive branch agency may exclude from a contract  
14 described in par. (a) the stipulation required under par. (a) if all of the following  
15 conditions are satisfied:

16 1. Including such a stipulation would negatively impact contract negotiations  
17 or significantly reduce the number of bidders on the contract.

18 2. If the exclusion is sought by an executive branch agency, that agency submits  
19 to the department a plain-language explanation of the reasons the stipulation was  
20 excluded and the alternative provisions the executive branch agency will include in  
21 the contract to ensure that the contract will be completed on time and within the  
22 contract budget.

23 3. If the exclusion is sought by the department, the department prepares a  
24 plain-language explanation of the reasons the stipulation was excluded and the

1 alternative provisions the department will include in the contract to ensure that the  
2 contract will be completed on time and within the contract budget.

3 4. The department submits for approval by the joint committee on information  
4 policy and technology any explanation and alternative contract provisions required  
5 under subd. 2. or 3. If, within 14 working days after the date that the department  
6 submits any explanation and alternative contract provisions required under this  
7 subdivision, the joint committee on information policy and technology does not  
8 contact the department, the explanation and alternative contract provisions shall be  
9 deemed approved.

10 (14) (a) Require each executive branch agency, other than the Board of Regents  
11 of the University of Wisconsin system, that has entered into an open-ended contract  
12 for the development of information technology to submit to the department quarterly  
13 reports documenting the amount expended on the information technology  
14 development project. In this subsection, "open-ended contract" means a contract for  
15 information technology that includes one or both of the following:

16 1. Stipulations that provide that the contract vendor will deliver information  
17 technology products or services but that do not specify a maximum payment amount.

18 2. Stipulations that provide that the contract vendor shall be paid an hourly  
19 wage but that do not set a maximum limit on the number of hours required to  
20 complete the information technology project.

21 (b) Compile and annually submit to the joint committee on information  
22 technology the reports required under par. (a).

23 **SECTION 129.** 16.997 (6) of the statutes is repealed.

24 **SECTION 131.** 17.13 (intro.) of the statutes is amended to read:

1           **17.13 Removal of village, town, town sanitary district, school district,**  
2           **and technical college and family care district officers.** (intro.) Officers of  
3           towns, town sanitary districts, villages, school districts, and technical college  
4           districts ~~and family care districts~~ may be removed as follows:

5           **SECTION 132.** 17.13 (4) of the statutes is repealed.

6           **SECTION 133.** 17.15 (5) of the statutes is amended to read:

7           17.15 (5) ~~FAMILY~~ LONG-TERM CARE DISTRICT. Any member of a family long-term  
8           care district governing board appointed under s. 46.2895 (3) (a) 2. may be removed  
9           by the appointing authority for cause.

10          **SECTION 134.** 17.27 (3m) of the statutes is amended to read:

11          17.27 (3m) ~~FAMILY~~ LONG-TERM CARE DISTRICT BOARD. If a vacancy occurs in the  
12          position of any appointed member of a family long-term care district board, the  
13          appointing authority shall appoint to serve for the residue of the unexpired term a  
14          person who meets the applicable requirements under s. 46.2895 (3) (b).

15          **SECTION 135.** 18.01 (1) of the statutes is renumbered 18.01 (1m).

16          **SECTION 136.** 18.01 (1e) of the statutes is created to read:

17          18.01 (1e) "Aggregate expected debt service and net exchange payments"  
18          means the sum of the following:

19           (a) The aggregate net payments expected to be made and received under a  
20           specified interest exchange agreement under s. 18.06 (8) (a).

21           (b) The aggregate debt service expected to be made on bonds related to that  
22           agreement.

23           (c) The aggregate net payments expected to be made and received under all  
24           other interest exchange agreements under s. 18.06 (8) (a) relating to those bonds that  
25           are in force at the time of executing the agreement.

1           **SECTION 137.** 18.01 (4) (intro.) of the statutes is amended to read:

2           18.01 (4) (intro.) "Public debt" or "debt" means every voluntary, unconditional  
3           undertaking by the state, other than an operating note ~~or an interest exchange~~  
4           ~~agreement~~, to repay a sum certain:

5           **SECTION 138.** 18.06 (8) (a) of the statutes is renumbered 18.06 (8) (a) (intro.)  
6           and amended to read:

7           18.06 (8) (a) (intro.) The Subject to pars. (am) and (ar), at the time of, or in  
8           anticipation of, contracting public debt and at any time thereafter while the public  
9           debt is outstanding, the commission may enter into agreements and ancillary  
10          arrangements ~~for relating to~~ the public debt, including liquidity facilities,  
11          remarketing or dealer agreements, letter of credit agreements, insurance policies,  
12          guaranty agreements, reimbursement agreements, indexing agreements, or interest  
13          exchange agreements. The commission shall determine all of the following, if  
14          applicable, with respect to any such agreement or ancillary arrangement:

15          **SECTION 139.** 18.06 (8) (a) 1. of the statutes is created to read:

16          18.06 (8) (a) 1. For any payment to be received with respect to the agreement  
17          or ancillary arrangement, whether the payment will be deposited into the bond  
18          security and redemption fund or the capital improvement fund.

19          **SECTION 140.** 18.06 (8) (a) 2. of the statutes is created to read:

20          18.06 (8) (a) 2. For any payment to be made with respect to the agreement or  
21          ancillary arrangement, whether the payment will be made from the bond security  
22          and redemption fund or the capital improvement fund and the timing of any transfer  
23          of funds.

24          **SECTION 141.** 18.06 (8) (am) of the statutes is created to read:

1           18.06 (8) (am) With respect to any interest exchange agreement or agreements  
2 specified in par. (a), all of the following shall apply:

3           1. The commission shall contract with an independent financial consulting firm  
4 to determine if the terms and conditions of the agreement reflect a fair market value,  
5 as of the proposed date of the execution of the agreement.

6           2. The interest exchange agreement must identify by maturity, bond issue, or  
7 bond purpose the debt or obligation to which the agreement is related. The  
8 determination of the commission included in an interest exchange agreement that  
9 such agreement relates to a debt or obligation shall be conclusive.

10          3. The resolution authorizing the commission to enter into any interest  
11 exchange agreement shall require that the terms and conditions of the agreement  
12 reflect a fair market value as of the date of execution of the agreement, as reflected  
13 by the determination of the independent financial consulting firm under subd. 1.,  
14 and shall establish guidelines for any such agreement, including the following:

15           a. The conditions under which the commission may enter into the agreements.  
16           b. The form and content of the agreements.  
17           c. The aspects of risk exposure associated with the agreements.  
18           d. The standards and procedures for counterparty selection.  
19           e. The standards for the procurement of, and the setting aside of reserves, if  
20 any, in connection with, the agreements.

21           f. The provisions, if any, for collateralization or other requirements for securing  
22 any counterparty's obligations under the agreements.

23           g. A system for financial monitoring and periodic assessment of the  
24 agreements.

25          **SECTION 142.** 18.06 (8) (ar) of the statutes is created to read:



1           18.06 (8) (ar) 1. Subject to subd. 2., the terms and conditions of an interest  
2 exchange agreement under par. (a) shall not be structured so that, as of the trade date  
3 of the agreement, both of the following are reasonably expected to occur:

4           a. The aggregate expected debt service and net exchange payments relating to  
5 the agreement during the fiscal year in which the trade date occurs will be less than  
6 the aggregate expected debt service and net exchange payments relating to the  
7 agreement that would be payable during that fiscal year if the agreement is not  
8 executed.

9           b. The aggregate expected debt service and net exchange payments relating to  
10 the agreement in subsequent fiscal years will be greater than the aggregate expected  
11 debt service and net exchange payments relating to the agreement that would be  
12 payable in those fiscal years if the agreement is not executed.

13           2. Subd. 1. shall not apply if either of the follow occurs:

14           a. The commission receives a determination by the independent financial  
15 consulting firm under par. (am) 1. that the terms and conditions of the agreement  
16 reflect payments by the state that represent on-market rates as of the trade date for  
17 the particular type of agreement.

18           b. The commission provides written notice to the joint committee on finance of  
19 its intention to enter into an agreement that is reasonably expected to satisfy subd.  
20 1., and the joint committee on finance either approves or disapproves, in writing, the  
21 commission's entering into the agreement within 14 days of receiving the written  
22 notice from the commission.

23           3. This paragraph shall not limit the liability of the state under an agreement  
24 if actual contracted net exchange payments in any fiscal year are less than or exceed  
25 original expectations.

1           **SECTION 143.** 18.06 (8) (b) of the statutes is amended to read:

2           18.06 (8) (b) The commission may delegate to other persons the authority and  
3           responsibility to take actions necessary and appropriate to implement agreements  
4           and ancillary arrangements under ~~par.~~ pars. (a) and (am).

5           **SECTION 144.** 18.06 (8) (d) of the statutes is created to read:

6           18.06 (8) (d) Semiannually, during any year in which the state is a party to an  
7           agreement entered into pursuant to par. (a) (intro.), the department of  
8           administration shall submit a report to the commission and to the cochairpersons of  
9           the joint committee on finance listing all such agreements. The report shall include  
10          all of the following:

11          1. A description of each agreement, including a summary of its terms and  
12          conditions, rates, maturity, and the estimated market value of each agreement.

13          2. An accounting of amounts that were required to be paid and received on each  
14          agreement.

15          3. Any credit enhancement, liquidity facility, or reserves, including an  
16          accounting of the costs and expenses incurred by the state.

17          4. A description of the counterparty to each agreement.

18          5. A description of the counterparty risk, the termination risk, and other risks  
19          associated with each agreement.

20          **SECTION 145.** 18.08 (1) (a) of the statutes is renumbered 18.08 (1) (a) (intro.)  
21          and amended to read:

22          18.08 (1) (a) (intro.) All moneys resulting from the contracting of public debt  
23          or any payment to be received with respect to any agreement or ancillary  
24          arrangement entered into under s. 18.06 (8) (a) with respect to any such public debt

1 shall be credited to a separate and distinct fund, established in the state treasury,  
2 designated as the capital improvement fund, except that such:

3 1. Such moneys which represent ~~premium and~~ accrued interest on bonds or  
4 ~~notes~~ issued, or are for purposes of funding or refunding bonds pursuant to s. 18.06  
5 (5), shall be credited to one or more of the sinking funds of the bond security and  
6 redemption fund or to the state building trust fund.

7 **SECTION 146.** 18.08 (1) (a) 2. of the statutes is created to read:

8 18.08 (1) (a) 2. Any such moneys that represent premium or any payments  
9 received pursuant to any agreement or ancillary arrangement entered into under s.  
10 18.06 (8) (a) with respect to any such public debt may be credited to one or more of  
11 the sinking funds of the bond security and redemption fund or to the capital  
12 improvement fund, as determined by the commission.

13 **SECTION 147.** 18.08 (2) of the statutes is amended to read:

14 18.08 (2) The capital improvement fund may be expended, pursuant to  
15 appropriations, only for the purposes and in the amounts for which the public debts  
16 have been contracted, for the payment of principal and interest on loans or on notes,  
17 for the payment due, if any, under an agreement or ancillary arrangement entered  
18 into under s. 18.06 (8) (a) with respect to any such public debt, for the purposes  
19 identified under s. 20.867 (2) (v) and (4) (q), and for expenses incurred in contracting  
20 public debt.

21 **SECTION 148.** 18.08 (4) of the statutes is amended to read:

22 18.08 (4) If at any time it appears that there will not be on hand in the capital  
23 improvement fund sufficient moneys for the payment of principal and interest on  
24 loans or on notes or for the payment due, if any, under an agreement or ancillary  
25 arrangement that has been entered into under s. 18.06 (8) (a) with respect to any

1 public debt and that has been determined to be payable from the capital  
2 improvement fund under s. 18.06 (8) (a) 2., the department of administration shall  
3 transfer to such fund, out of the appropriation made pursuant to s. 20.866, a sum  
4 sufficient which, together with any available money on hand in such fund, is  
5 sufficient to make such payment.

6 **SECTION 149.** 18.09 (2) of the statutes is amended to read:

7 18.09 (2) Each sinking fund shall be expended, and all moneys from time to  
8 time on hand therein are irrevocably appropriated, in sums sufficient, only for the  
9 payment of principal and interest on the bonds giving rise to it and, premium, if any,  
10 due upon ~~refunding~~ redemption of any such bonds, and payment due, if any, under  
11 an agreement or ancillary arrangement that has been entered into under s. 18.06 (8)  
12 (a) with respect to any such bonds and that has been determined to be payable from  
13 the bond security and redemption fund under s. 18.06 (8) (a) 2.

14 **SECTION 150m.** 18.52 (1c) of the statutes is created to read:

15 18.52 (1c) "Aggregate expected debt service and net exchange payments"  
16 means the sum of the following:

17 (a) The aggregate net payments expected to be made and received under a  
18 specified interest exchange agreement under s. 18.55 (6) (a).

19 (b) The aggregate debt service expected to be made on obligations related to  
20 that agreement.

21 (c) The aggregate net payments expected to be made and received under all  
22 other interest exchange agreements under s. 18.55 (6) (a) relating to those  
23 obligations that are in force at the time of executing the agreement.

24 **SECTION 151.** 18.55 (6) (a) of the statutes is amended to read:

1           18.55 (6) (a) ~~At~~ Subject to pars. (d) and (e), at the time of, or in anticipation of,  
2     contracting revenue obligations and at any time thereafter while the revenue  
3     obligations are outstanding, the commission may enter into agreements and  
4     ancillary arrangements relating to the revenue obligations, including trust  
5     indentures, liquidity facilities, remarketing or dealer agreements, letter of credit  
6     agreements, insurance policies, guaranty agreements, reimbursement agreements,  
7     indexing agreements, or interest exchange agreements. Any payment made or  
8     received pursuant to any such agreements or ancillary arrangements shall be made  
9     from or deposited into a fund relating to the relevant revenue obligation, as  
10    determined by the commission. The determination of the commission included in an  
11   interest exchange agreement that such an agreement relates to a revenue obligation  
12   shall be conclusive.

13           **SECTION 151c.** 18.55 (6) (d) of the statutes is created to read:

14           18.55 (6) (d) With respect to any interest exchange agreement or agreements  
15    specified in par. (a), all of the following shall apply:

16           1. The commission shall contract with an independent financial consulting firm  
17    to determine if the terms and conditions of the agreement reflect a fair market value,  
18    as of the proposed date of the execution of the agreement.

19           2. The interest exchange agreement must identify by maturity, bond issue, or  
20    bond purpose the obligation to which the agreement is related. The determination  
21    of the commission included in an interest exchange agreement that such agreement  
22    relates to an obligation shall be conclusive.

23           3. The resolution authorizing the commission to enter into any interest  
24    exchange agreement shall require that the terms and conditions of the agreement  
25    reflect a fair market value as of the date of execution of the agreement, as reflected

1 by the determination of the independent financial consulting firm under subd. 1.,  
2 and shall establish guidelines for any such agreement, including the following:

- 3 a. The conditions under which the commission may enter into the agreements.
- 4 b. The form and content of the agreements.
- 5 c. The aspects of risk exposure associated with the agreements.
- 6 d. The standards and procedures for counterparty selection.
- 7 e. The standards for the procurement of, and the setting aside of reserves, if  
8 any, in connection with, the agreements.
- 9 f. The provisions, if any, for collateralization or other requirements for securing  
10 any counterparty's obligations under the agreements.
- 11 g. A system for financial monitoring and periodic assessment of the  
12 agreements.

13 **SECTION 151h.** 18.55 (6) (e) of the statutes is created to read:

14 18.55 (6) (e) 1. Subject to subd. 2., the terms and conditions of an interest  
15 exchange agreement under par. (a) shall not be structured so that, as of the trade date  
16 of the agreement, both of the following are reasonably expected to occur:

17 a. The aggregate expected debt service and net exchange payments relating to  
18 the agreement during the fiscal year in which the trade date occurs will be less than  
19 the aggregate expected debt service and net exchange payments relating to the  
20 agreement that would be payable during that fiscal year if the agreement is not  
21 executed.

22 b. The aggregate expected debt service and net exchange payments relating to  
23 the agreement in subsequent fiscal years will be greater than the aggregate expected  
24 debt service and net exchange payments relating to the agreement that would be  
25 payable in those fiscal years if the agreement is not executed.

1           2. Subdivision 1. shall not apply if either of the follow occurs:

2           a. The commission receives a determination by the independent financial  
3 consulting firm under par. (d) 1. that the terms and conditions of the agreement  
4 reflect payments by the state that represent on-market rates as of the trade date for  
5 the particular type of agreement.

6           b. The commission provides written notice to the joint committee on finance of  
7 its intention to enter into an agreement that is reasonably expected to satisfy subd.  
8 1., and the joint committee on finance either approves or disapproves, in writing, the  
9 commission's entering into the agreement within 14 days of receiving the written  
10 notice from the commission.

11           3. This paragraph shall not limit the liability of the state under an agreement  
12 if actual contracted net exchange payments in any fiscal year are less than or exceed  
13 original expectations.

14           **SECTION 151p.** 18.55 (6) (f) of the statutes is created to read:

15           18.55 (6) (f) Semiannually, during any year in which the state is a party to an  
16 agreement entered into pursuant to par. (a), the department of administration shall  
17 submit a report to the commission and to the cochairpersons of the joint committee  
18 on finance listing all such agreements. The report shall include all of the following:

19           1. A description of each agreement, including a summary of its terms and  
20 conditions, rates, maturity, and the estimated market value of each agreement.

21           2. An accounting of amounts that were required to be paid and received on each  
22 agreement.

23           3. Any credit enhancement, liquidity facility, or reserves, including an  
24 accounting of the costs and expenses incurred by the state.

25           4. A description of the counterparty to each agreement.

1           5. A description of the counterparty risk, the termination risk, and other risks  
2 associated with each agreement.

3           **SECTION 151s.** 18.71 (1) of the statutes is renumbered 18.71 (1m).

4           **SECTION 151v.** 18.71 (1d) of the statutes is created to read:

5           18.71 (1d) "Aggregate expected debt service and net exchange payments"  
6 means the sum of the following:

7           (a) The aggregate net payments expected to be made and received under a  
8 specified interest exchange agreement under s. 18.73 (5) (a).

9           (b) The aggregate debt service expected to be made on notes related to that  
10 agreement.

11           (c) The aggregate net payments expected to be made and received under all  
12 other interest exchange agreements under s. 18.73 (5) (a) relating to those notes that  
13 are in force at the time of executing the agreement.

14           **SECTION 152.** 18.73 (5) of the statutes is created to read:

15           18.73 (5) AGREEMENTS AND ARRANGEMENTS; DELEGATION; USE OF OPERATING NOTES.

16           (a) Subject to pars. (d) and (e), at the time of, or in anticipation of, contracting  
17 operating notes and at any time thereafter while the operating notes are  
18 outstanding, the commission may enter into agreements and ancillary  
19 arrangements relating to the operating notes, including liquidity facilities,  
20 remarketing or dealer agreements, letter of credit agreements, insurance policies,  
21 guaranty agreements, reimbursement agreements, indexing agreements, or interest  
22 exchange agreements. Any payment received pursuant to any such agreements or  
23 ancillary arrangements shall be deposited in, and any payments made pursuant to  
24 any such agreements or ancillary arrangements will be made from, the general fund  
25 or the operating note redemption fund, as determined by the commission. The



1 determination of the commission included in an interest exchange agreement that  
2 such an agreement relates to an operating note shall be conclusive.

3 (b) The commission may delegate to other persons the authority and  
4 responsibility to take actions necessary and appropriate to implement agreements  
5 and ancillary arrangements under par. (a).

6 (c) Any operating notes may include operating notes contracted to fund  
7 interest, accrued or to accrue, on the operating notes.

8 (d) With respect to any interest exchange agreement or agreements specified  
9 in par. (a), all of the following shall apply:

10 1. The commission shall contract with an independent financial consulting firm  
11 to determine if the terms and conditions of the agreement reflect a fair market value,  
12 as of the proposed date of the execution of the agreement.

13 2. The interest exchange agreement must identify the note to which the  
14 agreement is related. The determination of the commission included in an interest  
15 exchange agreement that such agreement relates to a note shall be conclusive.

16 3. The resolution authorizing the commission to enter into any interest  
17 exchange agreement shall require that the terms and conditions of the agreement  
18 reflect a fair market value as of the date of execution of the agreement, as reflected  
19 by the determination of the independent financial consulting firm under subd. 1.,  
20 and shall establish guidelines for any such agreement, including the following:

21 a. The conditions under which the commission may enter into the agreements.

22 b. The form and content of the agreements.

23 c. The aspects of risk exposure associated with the agreements.

24 d. The standards and procedures for counterparty selection.

1           e. The standards for the procurement of, and the setting aside of reserves, if  
2 any, in connection with, the agreements.

3           f. The provisions, if any, for collateralization or other requirements for securing  
4 any counterparty's obligations under the agreements.

5           g. A system for financial monitoring and periodic assessment of the  
6 agreements.

7           (e) 1. Subject to subd. 2., the terms and conditions of an interest exchange  
8 agreement under par. (a) shall not be structured so that, as of the trade date of the  
9 agreement, the aggregate expected debt service and net exchange payments relating  
10 to the agreement during the fiscal year in which the trade date occurs will be less  
11 than the aggregate expected debt service and net exchange payments relating to the  
12 agreement that would be payable during that fiscal year if the agreement is not  
13 executed.

14           2. Subdivision 1. shall not apply if either of the follow occurs:

15           a. The commission receives a determination by the independent financial  
16 consulting firm under par. (d) 1. that the terms and conditions of the agreement  
17 reflect payments by the state that represent on-market rates as of the trade date for  
18 the particular type of agreement.

19           b. The commission provides written notice to the joint committee on finance of  
20 its intention to enter into an agreement that is reasonably expected to satisfy subd.  
21 1., and the joint committee on finance either approves or disapproves, in writing, the  
22 commission's entering into the agreement within 14 days of receiving the written  
23 notice from the commission.

1           3. This paragraph shall not limit the liability of the state under an agreement  
2 if actual contracted net exchange payments in any fiscal year are less than or exceed  
3 original expectations.

4           (f) Semiannually, during any year in which the state is a party to an agreement  
5 entered into pursuant to par. (a), the department of administration shall submit a  
6 report to the commission and to the cochairpersons of the joint committee on finance  
7 listing all such agreements. The report shall include all of the following:

8           1. A description of each agreement, including a summary of its terms and  
9 conditions, rates, maturity, and the estimated market value of each agreement.

10          2. An accounting of amounts that were required to be paid and received on each  
11 agreement.

12          3. Any credit enhancement, liquidity facility, or reserves, including an  
13 accounting of the costs and expenses incurred by the state.

14          4. A description of the counterparty to each agreement.

15          5. A description of the counterparty risk, the termination risk, and other risks  
16 associated with each agreement.

17       **SECTION 153.** 18.74 of the statutes is amended to read:

18       **18.74 Application of operating note proceeds.** All moneys resulting from  
19 the contracting of operating notes or any payment to be received under an agreement  
20 or ancillary arrangement entered into under s. 18.73 (5) with respect to any such  
21 operating notes shall be credited to the general fund, except that moneys which  
22 represent premium and accrued interest on operating notes, or moneys for purposes  
23 of funding or refunding operating notes pursuant to s. 18.72 (1) shall be credited to  
24 the operating note redemption fund.

25       **SECTION 154.** 18.75 (2) of the statutes is amended to read:

1           18.75 (2) The operating note redemption fund shall be expended and all  
2 moneys from time to time on hand therein are irrevocably appropriated, in sums  
3 sufficient, only for the payment of principal and interest on operating notes giving  
4 rise to it and premium, if any, due upon refunding or early redemption of such  
5 operating notes, and for the payment due, if any, under an agreement or ancillary  
6 arrangement entered into under s. 18.73 (5) with respect to such operating notes.

7           **SECTION 155.** 18.75 (4) of the statutes is amended to read:

8           18.75 (4) There shall be transferred, under s. 20.855 (1) (a), a sum sufficient  
9 for the payment of the principal, interest and premium due, if any, ~~on the~~ and for the  
10 payment due, if any, under an agreement or ancillary arrangement entered into  
11 pursuant to s. 18.73 (5) with respect to operating notes giving rise to it as the same  
12 falls due. Such transfers shall be so timed that there is at all times on hand in the  
13 fund an amount not less than the amount to be paid out of it during the ensuing 30  
14 days or such other period if so provided for in the authorizing resolution. The  
15 commission may pledge the deposit of additional amounts at periodic intervals and  
16 the secretary of the department may impound moneys of the general fund, including  
17 moneys temporarily reallocated from other funds under s. 20.002 (11), in accordance  
18 with the pledge of revenues in the authorizing resolution, and all such  
19 impoundments are deemed to be payments for purposes of s. 16.53 (10), but no such  
20 impoundment may be made until the amounts to be paid into the bond security and  
21 redemption fund under s. 18.09 during the ensuing 30 days have been deposited in  
22 the bond security and redemption fund.

23           **SECTION 156.** 19.32 (1) of the statutes is amended to read:

24           19.32 (1) "Authority" means any of the following having custody of a record: a  
25 state or local office, elected official, agency, board, commission, committee, council,

1 department or public body corporate and politic created by constitution, law,  
2 ordinance, rule or order; a governmental or quasi-governmental corporation except  
3 for the Bradley center sports and entertainment corporation; a local exposition  
4 district under subch. II of ch. 229; a ~~family~~ long-term care district under s. 46.2895;  
5 any court of law; the assembly or senate; a nonprofit corporation which receives more  
6 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and  
7 which provides services related to public health or safety to the county or  
8 municipality; ~~a nonprofit corporation operating the Olympic ice training center~~  
9 ~~under s. 42.11 (3); or a formally constituted subunit of any of the foregoing.~~

10 **SECTION 157.** 19.42 (10) (p) of the statutes is amended to read:

11 19.42 (10) (p) A member, the ~~executive~~ staff director, or the deputy director of  
12 the ~~sentencing commission~~ bureau of criminal justice research.

13 **SECTION 158e.** 19.42 (10) (r) of the statutes is created to read:

14 19.42 (10) (r) The employees and members of the board of directors of the Lower  
15 Fox River Remediation Authority.

16 **SECTION 159.** 19.42 (13) (o) of the statutes is amended to read:

17 19.42 (13) (o) The position of member, ~~executive~~ staff director, or deputy  
18 director of the ~~sentencing commission~~ bureau of criminal justice research.

19 **SECTION 161.** 19.55 (2) (b) of the statutes is amended to read:

20 19.55 (2) (b) Records obtained or prepared by the board in connection with an  
21 investigation, except that the board shall permit inspection of records that are made  
22 public in the course of a hearing by the board to determine if a violation of this  
23 subchapter or subch. III of ch. 13 has occurred. Whenever the board refers such  
24 investigation and hearing records to a district attorney or to the attorney general,  
25 they may be made public in the course of a prosecution initiated under this

1 subchapter. The board shall also provide information from investigation and hearing  
2 records that pertains to the location of individuals and assets of individuals as  
3 requested under s. 49.22 (2m) by the department of ~~workforce development~~ children  
4 and families or by a county child support agency under s. 59.53 (5).

5 **SECTION 162.** 19.55 (2) (d) of the statutes is amended to read:

6 19.55 (2) (d) Records of the social security number of any individual who files  
7 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal  
8 under s. 13.64, except to the department of ~~workforce development~~ children and  
9 families for purposes of administration of s. 49.22 or to the department of revenue  
10 for purposes of administration of s. 73.0301.

11 **SECTION 162h.** 19.62 (8) of the statutes is amended to read:

12 19.62 (8) "State authority" means an authority that is a state elected official,  
13 agency, board, commission, committee, council, department or public body corporate  
14 and politic created by constitution, statute, rule or order; a state governmental or  
15 quasi-governmental corporation; the supreme court or court of appeals; or the  
16 assembly or senate; ~~or a nonprofit corporation operating the Olympic Ice Training~~  
17 ~~Center under s. 42.11 (3).~~

18 **SECTION 163.** 19.82 (1) of the statutes is amended to read:

19 19.82 (1) "Governmental body" means a state or local agency, board,  
20 commission, committee, council, department or public body corporate and politic  
21 created by constitution, statute, ordinance, rule or order; a governmental or  
22 quasi-governmental corporation except for the Bradley center sports and  
23 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
24 family long-term care district under s. 46.2895; ~~a nonprofit corporation operating~~  
25 ~~the Olympic ice training center under s. 42.11 (3);~~ or a formally constituted subunit

of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. I, IV <sup>plan</sup> or V or VI of ch. 111.

**SECTION 163p.** 19.84 (5) of the statutes is amended to read:

19.84 (5) Departments and their subunits in any University of Wisconsin System institution or campus ~~and a nonprofit corporation operating the Olympic Ice Training Center under s. 42.11 (3)~~ are exempt from the requirements of subs. (1) to (4) but shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed written requests for such notice.

**SECTION 163v.** 19.85 (1) (j) of the statutes is repealed.

**SECTION 165.** 19.86 of the statutes is amended to read:

**19.86 Notice of collective bargaining negotiations.** Notwithstanding s.

19.82 (1), where notice has been given by either party to a collective bargaining ~~165;~~

~~SA-SB40; Page: 114, Line: 11; Could not find pattern match.~~ agreement under

subch. I, IV <sup>(plan)</sup> or V or VI of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1) (b).

If the employer is not a governmental body, notice shall be given by the employer's chief officer or such person's designee. ~~This section does not apply to a nonprofit corporation operating the Olympic Ice Training Center under s. 42.11 (3).~~

**SECTION 166.** 20.001 (2) (e) of the statutes is amended to read:

20.001 (2) (e) *Federal revenues.* "Federal revenues" consist of moneys received from the federal government, except that under s. ~~20.445 (3)~~ 20.437 (2) (md) "federal revenues" also include moneys treated as refunds of expenditures, and under s. ~~20.445 (3)~~ 20.437 (2) (me) "federal revenues" consist only of moneys treated as received from the federal government. Federal revenues may be deposited as

A 1 program revenues in the general fund or as segregated revenues in a segregated  
2 fund. In either case they are indicated in s. 20.005 by the addition of "-F" after the  
3 abbreviation assigned under pars. (b) and (d).

B 4 **SECTION 167.** 20.001 (5) of the statutes is amended to read:

5 ~~20.001 (5) REFUNDS OF EXPENDITURES. Any amount not otherwise appropriated~~  
6 under this chapter that is received by a state agency as a result of an adjustment  
7 made to a previously recorded expenditure from a sum certain appropriation to that  
8 agency due to activities that are of a temporary nature or activities that could not be  
9 anticipated during budget development and which serves to reduce or eliminate the  
10 previously recorded expenditure in the same fiscal year in which the previously  
11 recorded expenditure was made, except as provided in s. 20.445 (3) 20.437 (2) (md),  
12 may, upon request of the agency, be designated by the secretary of administration as  
13 a refund of an expenditure. Except as otherwise provided in this subsection, the  
14 secretary of administration may designate an amount received by a state agency as  
15 a refund of an expenditure only if the agency submits to the secretary a written  
16 explanation of the circumstances under which the amount was received that  
17 includes a specific reference in a statutory or nonstatutory law to a function of the  
18 agency under which the amount was received and the appropriation from which the  
19 previously recorded expenditure was made. A refund of an expenditure shall be  
20 deposited by the receiving state agency in the appropriation account from which the  
21 previously recorded expenditure was made. Except as otherwise provided in this  
22 subsection, a state agency which proposes to make an expenditure from moneys  
23 designated as a refund of an expenditure shall submit to the secretary of  
24 administration a written explanation of the purpose of the expenditure, including a  
25 specific reference in a statutory or nonstatutory law to a function of the agency under